

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC WEINER, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TIVITY HEALTH, INC., *et al.*,

Defendants.

Case No.: 3:17-cv-01469

Chief Judge Crenshaw
Magistrate Judge Newbern

**NOTICE OF MOTION AND MOTION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF LITIGATION EXPENSES, AND COMPENSATORY AWARD
TO CLASS REPRESENTATIVE**

PLEASE TAKE NOTICE that on October 4, 2021, at 4:00 p.m. at the United States District Court for the Middle District of Tennessee, Estes Kefauver Federal Building & Courthouse, 801 Broadway, Courtroom A859, Nashville, TN 37203, Class Representative and Lead Plaintiff Oklahoma Firefighters Pension and Retirement System (“Class Representative”) will and hereby does move the Court, the Honorable Chief Judge Waverly D. Crenshaw, for an order awarding attorneys’ fees to Class Counsel, reimbursement of expenses to Class Counsel, and a reimbursement award to Class Representative to be paid from the Settlement Fund.

This motion is based upon this notice of motion, the accompanying memorandum of law, the accompanying Declaration of Daniel S. Sommers in support of the motion, the exhibits attached thereto, all other pleadings and matters of record, and such additional evidence or argument as may be presented at or before the hearing.

Defendants have informed Class Representative that they are unopposed to this motion. Pursuant to the Court's Preliminary Approval Order (Doc. No. 162, as amended by Doc. No. 165), the deadline for members of the Class to file objections, if any, is September 20, 2021.

Dated: September 13, 2021

Respectfully submitted,

/s/ Benjamin A. Gastel

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*Counsel for Lead Plaintiff and Class
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2021, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filings to the following:

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